

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

**TRI-CON, INC., MICHAEL MERRICK, )  
GERALD PIZZINI, DOUGLAS FABISH, )  
FRANK JACKSON, JEMMIE ALMUETE, )  
THOMAS PITTS, SHIRLEY CARREY )  
BALDT, JOHNNY WATERMAN, )  
DOUGLAS SMITH, CAROL SMITH, )  
CHRISTOPHER PHILLIPS, GILMORE )  
SWEITZER, REBECCA EUBANKS, )  
JODY SHELLITO, ARTURO )  
RODRIGUEZ, and JACK FLANNIGAN, )**

**Plaintiffs,**

**v.**

**VOLVO TRUCKS NORTH AMERICA, )  
INC., a Delaware Corporation, )**

**Defendant.**

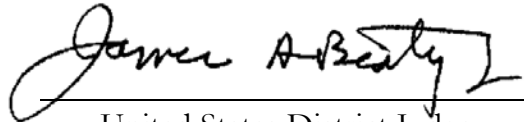
**1:06CV577**

**O-R-D-E-R**

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on November 5, 2008, was served on the parties in this action. No objections were filed within the time limits prescribed by § 636.

The court hereby adopts the Magistrate Judge's Recommendation.

**IT IS THEREFORE ORDERED** that Defendant's motion for sanctions [Docket No. 89] against Plaintiffs' counsel pursuant to Rule 11 or 28 U.S.C. § 1927 be **DENIED** and that the request of Plaintiffs' counsel for costs be **DENIED**. Defendant's motion for Rule 37 sanctions remains pending before the Court.

  
United States District Judge

Date: January 14, 2009